

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4582 of 2007()

CRIME NO.61/07 OF ANGAMALY POLICE STATION

: PETITIONER/9TH ACCUSED

SAEEDH ABDULLA, AGED 28,
S/O ABDULLA, CHEMBATTU HOUSE,
ERAYAMKUDY P.O., KALOOR THEKKUMURI VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENTS: COMPLAINANT

SUB INSPECTOR OF POLICE,
ANGAMALY POLICE STATION, ANGAMALY-
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30/07/2007 ALONG WITH B.A.NOS.4583, 4588, 4589, 4590 &
4591 OF 2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

**B.A.Nos.4582, 4583, 4588, 4589, 4590 &
4591 of 2007**

Dated this the 30th day of July, 2007

ORDER

Applications for anticipatory bail. The common petitioner in these cases faces allegation in identical crimes all registered inter alia under Section 420I.P.C. Some of those crimes have been registered on the basis of complaints directly presented before the police and some others have been preferred by filing complaints before the Magistrate, which have been referred to the police u/s.156(3)Cr.P.C for investigation. The petitioner figures as the 9th accused in all but one case and is the 5th accused in that one case. The crux of the allegations is that the defacto complainants were taken to a Gulf State on the promise of employment. The defacto complainant had shelled out money to secure such employment. But when they reached the country of their employment, they found that the jobs offered were not the ones that were promised. They were subjected to great humiliation, physical harassment and injury at such country of employment by the employers. They were treated as slaves. They were even physically assaulted. A false complaint was filed and the victims were got arrested by the Arab police. They were ultimately released. After coming to India, the present allegations have been raised. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Sweeping allegations have been raised against the petitioner without any bona fides. The crucial dispute is about the nature of the employment provided. Exaggerated and fanciful allegations have been raised by the defacto complainants against the petitioner. Their grievance primarily is that they did not get the type of employment that they anticipated. The petitioner is prepared to abide by any conditions to be imposed by the Court in the interests of an expeditious investigation. The petitioner may not be subjected to the undeserved trauma of arrest and detention in custody, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied, in the facts and circumstances indicated above, that anticipatory bail can be granted to the petitioner subject to appropriate terms and conditions.

3. In the result, these Bail Applications are, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 06.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 5 p.m on 07.08.2007, 08.08.2007 and 09.08.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 06.08.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.1,00,000/- (Rupees Twenty Five thousand only) in each case without any sureties undertaking to appear before the learned Magistrate on 06.08.07.

(R.BASANT, JUDGE)

rtr/-